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10/696,954	10/29/2003	Neil Millani	2002-019	8494
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EXAMINER				
DABNEY, PHYLESHA LARVINIA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,954

Applicant(s)

MLLANI, NEIL

Examiner

PHYLESHA DABNEY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

This action is in response to the application filed 21 May 2008 in which claims 1-23 are pending.

Claim Objections

Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2, 4-8, and 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Sadler (U.S. Patent No. 6,058,319).

Regarding claim 1, Sadler teaches an accessory for a wireless communications device (12) comprising: a first accessory peripheral device (90, microphone or 70, cassette); a system

plug (56, 122) that mates with a system connector on the wireless communications device (12); a cord (86, 92; line associated with data port; line associated with CD player) electrically connecting the first accessory peripheral device with the system plug; an auxiliary system connector (52 and/or 100) configured to connect a second peripheral accessory device to the wireless communications device, said auxiliary system connector being integrally formed with the cord and positioned along the cord between the system plug and the first peripheral device; and a switch (44, 46; 67; fig. 5 with in element 60 there is a single throw switch and transistor switches) disposed on the auxiliary system connector, and configured to selectively connect the first (90, microphone; or 70, cassette) and second (one of either 70 or 90 not previously designated at the 1st device; 106; 130) peripheral devices to the wireless communications device.

Regarding claim 2, Sadler teaches the accessory of claim 1, wherein the auxiliary system connector is disposed along the cord between the first peripheral device (90, microphone or 70, cassette) and the system plug (56; 122).

Regarding claim 4, Sadler teaches the accessory of claim 3 wherein the switch connects the wireless communications device to the first peripheral device (90, microphone or 70, cassette) via a first audio-in path in a first position, and to the second peripheral device (one of either 70 or 90 not previously designated at the 1st device; 106; 130) via a second audio-in path in a second position.

Regarding claim 5, Sadler teaches the accessory of claim 3 wherein the switch connects

the wireless communications device to the first peripheral device (90, microphone or 70, cassette) via a first audio-out path in a first position, and to the second peripheral device (one of either 70 or 90 not previously designated at the 1st device; 106; 130) via a second audio-out path in a second position.

Regarding claim 6, Sadler teaches the accessory of claim 1, wherein the switch (one of either 70 or 90 not previously designated at the 1st device; 106; 130) connects the first peripheral device (90, microphone or 70, cassette) to the wireless communications device via a first path in a first position, and to the second peripheral device (one of either 70 or 90 not previously designated at the 1st device; 106; 130) via a second path in a second position.

Regarding claim 7, Sadler teaches the accessory of claim 1, wherein the switch comprises circuitry to automatically detect the type of peripheral device connected to the auxiliary system connector (col. 3 lines 4 through col. 6 lines 44).

Regarding claim 8, Sadler teaches the accessory of claim 1, wherein the auxiliary system connector further connects a third peripheral device (one of either 70 or 90 not previously designated at the 1st device; 106; 130).

Regarding claim 14, Sadler teaches the accessory of claim 1, further comprising a second auxiliary system connector (52; 100) integrally formed with the cord (86, 92; line associated with

data port; line associated with CD player).

Regarding claims 15-18, they disclose the method corresponding to the apparatus claims 1-3, 6, 8, and 14. The method is inherent in that it simply provides a logical implementation of the structure found in these claims.

Regarding claims 19-21, see the rejection of claims 4 and 5 respectfully.

2. Claims **1-3, 6, 8, 10, 14-18, and 22** are rejected under 35 U.S.C. 102(e) as being anticipated by Hsin (U.S. Patent No. 6,626,703).

Regarding claim 1, Hsin teaches an accessory for a wireless communications device comprising: a first accessory peripheral device (50, portable device); a system plug (25) that mates with a system connector on the wireless communications device (60); a cord (15) electrically connecting the first accessory peripheral device with the system plug; an auxiliary system connector (20 as related to 22; 10) configured to connect a second peripheral accessory device to the wireless communications device, said auxiliary system connector being integrally formed with the cord and positioned along the cord between the system plug and the first peripheral device; and a switch (26-27) disposed on the auxiliary system connector, and configured to selectively connect the first (50) and second (22-23) peripheral devices to the wireless communications device.

Regarding claim 2, Hsin teaches the accessory of claim 1, wherein the auxiliary system connector is disposed along the cord between the first peripheral device (50) and the system plug (25).

Regarding claim 6, Hsin teaches the accessory of claim 1, wherein the switch (26-27) connects the first peripheral device (50) to the wireless communications device via a first path in a first position, and to the second peripheral device (22-23) via a second path in a second position.

Regarding claim 8, Hsin teaches the accessory of claim 1, wherein the auxiliary system connector further connects a third peripheral device (70).

Regarding claim 10, Hsin teaches the accessory of claim 1, wherein one of the first and second peripheral devices is a battery charger (col. 2 lines 49-67).

Regarding claim 14, Hsin teaches the accessory of claim 1, further comprising a second auxiliary system connector (16) integrally formed with the cord (15).

Regarding claims 15-18, they disclose the method corresponding to the apparatus claims 1-3, 6, 8, and 14. The method is inherent in that it simply provides a logical implementation of the structure found in these claims.

Regarding claim 22, Hsin teaches the method of claim 15, further comprising automatically detecting the type of peripheral device (70, charging mode) connected to the auxiliary system plug (col. 2 line 49 through col. 3 line 25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **9-13 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsin or Sadler.

Regarding claim 9-13, Hsin or Sadler does not specifically teach the accessory of claim 1, wherein one of the first and second peripheral devices is a hands-free headset, MP3 player, camera, or flash accessory. However, the Examiner takes official notice that it is known to connect various electronic apparatuses to each other via system connectors for convenience, portability, and etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach any electronic apparatus, including an MP3 player, to the wireless device of Hsin for the reasons stated.

4. Claim **23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsin.

Regarding claim 23, Hsin does not specifically teach the method of claim 22, further comprising controlling signals communicated between the wireless communications device and the first or second peripheral devices responsive to the detected peripheral device type.

However, Hsin does teach the light source being used as a lighting, displaying, or alarming element. And, it is known to use a light source to display alarming/alerting information at least during charging or transfer of data between devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the light source of Hsin for the reasons stated above.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed have been fully considered but they are not persuasive.
6. With respect to the Applicant's argument that neither Sadler nor Hsin teach *the auxiliary system connector "integrally" formed with the cord is (2) positioned along the cord between the system plug that mates with the system connector on the wireless communications device and the first peripheral accessory device*, the Examiner disagrees.

As per Roget's II: The New Thesaurus, Third Edition (Non-Patent Literature cited in the PTO-892), the term "integral" means:

Thesaurus: integral

adjective

1. Constituting or forming part of the essence of something: basic, constitutional, constitutive, essential, fundamental, vital. See be, surface/depth.
2. Lacking nothing essential or normal: complete, entire, full, intact, perfect, whole. See part/whole.

noun

An organized array of individual elements and parts forming and working as a unit: entity, sum, system, totality, whole. See part/whole.

In Brief, the term “integral” means an array of individual elements and parts forming and working as a unit.

In the instance of Hsin, the auxiliary system connector (20 as related to 22; 10) forms a working unit with the cord (15) by creating a complete connection between the peripheral device and the wireless communication device. Without the cord the auxiliary system connection would not function to provide power to the wireless device, thus it is essential to the functionality of the invention of Hsin. In addition, since Hsin teaches there is a first switch state (wherein the second peripheral device [70, 22-23] is off) and a second switch state (wherein the second peripheral device [70, 22-23] is on and the portable device [50] is on), then the Examiner contends that the selectively switching between the wireless communication device and the peripheral accessory devices is met. Therefore, the rejection is maintained.

In the instance of Sadler, the auxiliary system connector (52 and/or 100) forms a working unit with the cord (86, 92; line associated with data port; line associated with CD player) by creating a complete connection between the peripheral device and the wireless communication device. Without the cord the auxiliary system connection would not function to provide hands free functionality to the wireless device, thus it is essential to the functionality of the invention of Sadler. In addition as clearly shown in the figures, Sadler teaches the connector (52 and/or 100)

positioned along the cord (86, 92; line associated with data port; line associated with CD player) between the system plug (56, 122) and a peripheral device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYLESHA DABNEY whose telephone number is (571)272-7494. The examiner can normally be reached on Monday through Thursday 9:00-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:

Art Unit: 2614

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

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August 4, 2008
/PHYLESHA DABNEY/
Examiner, Art Unit 2614

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614